

SERIAL No. 09/774,807

Page 4

Remarks/Arguments

Claims 1 - 5 remain in the application with claims 1 and 5 being the only two independent claims.

At the Interview with Examiner Gilligan, the Examiner agreed that inserting the words "via a computer network" in paragraph b. of claim 5 would avoid the previous rejection under 35 USC 101. Therefore, it would appear that claim 5 is now patentable.

Also, at the interview, it was pointed out that the ERDS reference was concerned mainly with record keeping by a State entity, the New York State Department of Health. This reference did not disclose, or even remotely suggest, the sequence of death notice distribution as specifically claimed by applicant. For example, the initial dissemination from the patient care facility to the funeral home and then using the funeral home as the focal point for further distribution to the concerned entities, as claimed.

The claims are essentially the same as originally presented with some minor word changes as indicated. Applicant is not claiming merely a recording center, as disclosed in the ERDS reference, but a definite sequence for distributing death notices. In applicant's invention, initially the death notice originates with the patient care facility, such as a hospital or nursing home. Next, the funeral home receives the death notice and then acts as the source for further distributing the notice to other concerned entities. This concept is totally absent in the art of record.

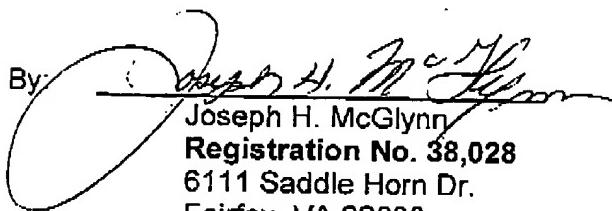
At the Interview it was agreed the Examiner would again search the prior art to see if such an updated search would reveal any closer prior art. As the application now stands it would appear the claims are clearly allowable and avoid the art of record or any obvious modification thereof.

SERIAL No. 09/774,807**Page 5**

From the above mentioned remarks and amendments, the Examiner's rejections are thought to be overcome. Accordingly, this application is believed to be in condition for allowance. Therefore an early notice to this effect is respectfully requested.

Respectfully submitted,
Patent & Trademark Services, Inc.™

By:



Joseph H. McGlynn
Registration No. 38,028
6111 Saddle Horn Dr.
Fairfax, VA 22030
(703) 830-3534
FAX-(703) 830-5206